

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:07CV00243

JANET JOYNER and	)
CONSTANCE LYNN BLACKMON	)
	)
Plaintiffs	)
	)
v.	)
	)
	)
	)
FORSYTH COUNTY,	)
NORTH CAROLINA	)
	)
Defendant	)
_____	)

**JOINT MOTION TO STAY PROCEEDINGS RELATING  
TO PLAINTIFFS' MOTION FOR COSTS, ATTORNEYS' FEES AND  
RELATED EXPENSES**

The parties, Plaintiffs and Defendant, by undersigned counsel, jointly and respectfully move this Court for an Order staying proceedings in this Court relating to the Plaintiffs' forthcoming Motion for Costs, Attorneys' Fees and Related Expenses pending resolution of the appeal on the merits taken by Defendant from this Court's Order and Judgment entered herein. As grounds, the parties state:

1. Defendant has appealed to the Fourth Circuit Court of Appeals this Court's Order (Doc. 99) and the January 28, 2010 Judgment (Doc. 100) granting equitable relief on which the Order is based.

2. Based on the Order entered herein, Plaintiffs are the prevailing parties for purposes of an award of attorneys' fees and expenses under 42 U.S.C. § 1988 and statutory costs pursuant to Fed.R.Civ.P. 54. And based on the Order, Plaintiffs' cost and fee motion must be filed on or before March 29, 2010. Local Rule 54.2.

3. As a matter of judicial economy and efficiency, proceedings in this Court related to attorneys' fees and litigation expenses pursuant to 42 U.S.C. § 1988 and statutory costs should be stayed pending the resolution of Defendant's appeal on the merits. If Plaintiffs prevail on appeal, then the issue of fees and costs, as well as Plaintiffs' appellate fees and costs, may be addressed after remand in a single proceeding before this Court. If Plaintiffs do not prevail on appeal, their entitlement to fees and costs will have been extinguished and any work undertaken by this Court and counsel for the parties on the issues of fees and costs in advance of the resolution of the appeal will have been wasted.

4. No undue delay or prejudice will result from the grant of this Motion.

**WHEREFORE**, Plaintiffs and Defendant respectfully request this Court grant the relief sought herein and enter its order that the time for Plaintiffs to file their Motion for Attorneys' Fees and Related Expenses be stayed until 60 days after the date the mandate from the appellate court is returned to this Court.

Respectfully submitted this 10th day of March, 2010,

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/s/ Katherine Lewis Parker

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\* By special appearance pursuant to LR 83.1(d)

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CERTIFICATE OF SERVICE

The undersigned attorneys hereby certify that on March 10, 2010, they conferred and mutually agreed upon the foregoing Joint Motion to Stay Proceedings Related to Attorneys' Fees, and the same was then filed electronically with the Clerk of Court, by Katherine Lewis Parker, using the CM/ECF system, which will send notification of such filing to all counsel of record.

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